

Appl. No. 10/052,282
Amdt. dated July 18, 2006
Reply to Office Action of April 19, 2006

PATENT

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed April 19, 2006. Claims 2, 4, 16, 20, 21, and 42 were pending in the present application. This Amendment amends claims 2, 16, 20, and 42, and adds new claims 43-49, leaving pending in the application claims 2, 16, 20, and 42-49. Reconsideration of the rejected claims and consideration of the newly presented claims is respectfully requested.

I. Rejection under 35 U.S.C. §112

Claim 42 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claim 42 has been rejected as lacking proper antecedent basis for the term "said second peripheral information." Claim 42 as amended now depends from claim 21, which establishes proper antecedent basis for said limitation. Applicants therefore respectfully request that the rejection with respect to claim 42 be withdrawn.

II. Rejection under 35 U.S.C. §102

Claims 2, 4, 16, and 42 are rejected under 35 U.S.C. §102(e) as being anticipated by *Ashwin* (US 6,232,877). Applicants respectfully submit that *Ashwin* does not disclose each element of these claims.

For example, Applicants' claim 2 as amended recites a method for operating a service device to provide a service, comprising:

detecting a request from a requesting device to provide said service;
obtaining peripheral information relating to one or more peripheral devices, said peripheral devices being within a predetermined distance of said service device; and
providing said service depending on said peripheral information,
wherein said providing step is further dependent on history information which indicates an action history of a user of the requesting device between a reference starting point and a reference end point, and which includes a time at which said history information was obtained

(emphasis added). Such limitations are neither disclosed nor suggested by *Ashwin*.

Appl. No. 10/052,282
Amdt. dated July 18, 2006
Reply to Office Action of April 19, 2006

PATENT

Ashwin discloses an electronic tag-based monitoring system that can compare information in a primary tag and a secondary tag, which in one implementation are attached to a person and an item of value, respectively, to determine whether the person is authorized to remove the item containing the secondary tag from a particular zone (col. 1, lines 15-46). A device for reading the information is disclosed to be able to store selected information sourced from the tags, such as "the person to whom the primary electronic tag was issued, and thereby monitor what assets are being removed from the selected zone or business premises by the bearer" (col. 5, lines 31-38). The Office Action asserts that this information relates to the authorization previously granted to the person and qualifies as historical information (OA pp. 3-4). Even assuming, *arguendo*, that the information corresponding to a bearer can be construed as historical information, the authorization is set at or around the time the card is issued, and there is no teaching or suggestion in *Ashwin* that the information stored in the tag can change over time, or that the authorization for that information can change over time. *Ashwin* discloses only storing information such as personal information for the tags (col. 5, lines 31-38). *Ashwin* does not teach or suggest storing authorization information, such that even if the authorization can be construed as historical information, this information is not disclosed to be stored by *Ashwin*.

Further, *Ashwin* does not disclose or suggest the host computer storing a history of actions of the person between a reference starting point and a reference end point as recited in Applicants' claim 2. *Ashwin* also does not disclose or suggest storing the time at which the history information was obtained as recited in Applicants claim 2. As *Ashwin* does not disclose or suggest these limitations, *Ashwin* cannot anticipate or render obvious Applicants' claim 2 or dependent claims 2 and 42. Applicants' claim 16 recites limitations that similarly are neither disclosed nor suggested by *Ashwin*, such that *Ashwin* cannot anticipate or render obvious Applicants' claim 16. Applicants therefore respectfully request that the rejection with respect to claims 2, 4, 16, and 42 be withdrawn.

Appl. No. 10/052,282
Amdt. dated July 18, 2006
Reply to Office Action of April 19, 2006

PATENT

III. Rejection under 35 U.S.C. §103

Claims 20-21 are rejected under 35 U.S.C. §103(a) as being obvious over *Ashwin* in view of *Francis* (US 6,600,418) and *Gordon* (US 6,567,486). Applicants respectfully submit that these references do not teach or suggest each element of these claims. Claims 20 and 21 as amended depend from claim 2, which is not rendered obvious by *Ashwin* as discussed above. *Francis* and *Gordon* do not make up for the deficiencies in *Ashwin* with respect to claim 2.

Francis teaches an automated object and location identification system (col. 2, lines 47-50), and is cited as teaching using a plurality of RF tags providing peripheral information such as identification and location information in order to provide tracking information (p. 5). As recognized in the office action (p. 5), *Francis* does not teach or suggest the determination of positional information using a time difference between a first time at which the request was sent and a second time at which the request was received. Further, *Francis* does not teach or suggest providing a service where "said providing step is further dependent on history information which indicates an action history of a user of the requesting device between a reference starting point and a reference end point, and which includes a time at which said history information was obtained" as recited in Applicants' claim 2. As such, *Francis* cannot render obvious Applicants' claim 2, either alone or in combination with *Ashwin*.

Gordon does not make up for the deficiencies in *Ashwin* and *Francis* with respect to Applicants' claim 2. *Gordon* teaches an apparatus for generating and measuring a known event having a duration of a few nanoseconds, such as a phase demodulation signature event used to determine the position of a cellular phone (col. 1, line 65-col. 2, line 24). *Gordon* teaches in the background that it is known to use time difference or delay for a single event for triangulation/TODA purposes (col. 1, lines 25-35). It is respectfully submitted that *Gordon* is attempting to solve a different problem, relating to geographic positioning of a cell phone, and as such is non-analogous prior art. Further, this difference would result in no reason to combine the teachings of *Gordon* with those of *Ashwin* and/or *Francis*. Further still, *Gordon* fails to teach or suggest providing a service where "said providing step is further dependent on history information which indicates an action history of a user of the requesting device between a reference starting point and a reference end point, and which includes a time at which said

Appl. No. 10/052,282
Amdt. dated July 18, 2006
Reply to Office Action of April 19, 2006

PATENT

history information was obtained" as recited in Applicants' claim 2. As such, *Gordon* cannot render obvious Applicants' claim 2, or dependent claims 20 and 21 as amended, either alone or in any combination with *Ashwin* and *Francis*. Applicants therefore respectfully request that the rejection with respect to claim 20 and 21 be withdrawn.

IV. Amendment to the Claims

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.

V. Newly Presented Claims

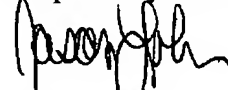
Claims 43-49 have been added to cover different aspects of the present invention. These claims are supported by the specification and do not add new matter. Applicants therefore respectfully request consideration of newly presented claims 43-49.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Jason D. Lohr
Reg. No. 48,163

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200 / Fax: 415-576-0300
JDL:km /60783531 v1